

1 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RECEIVED
2008 NOV 13 PM 2:20
ARIZONA BOARD OF APPRAISAL

In the Matter of:

ROSALIE MOHR
Licensed Residential Appraiser
Certificate No. 10477

Case No. 2575

CONSENT AGREEMENT AND ORDER

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Appraisal ("Board") and consistent with public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-3601 *et seq.* and A.R.S. § 41-1092.07(F)(5), Rosalie Mohr, ("Respondent"), holder of license no. 10477 and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of this matter.

On September 18, 2008, the Board held an Informal Hearing regarding case no. 2575. Respondent was notified by regular US Mail that the Board was holding an Informal Hearing but she did not appear. The day before the hearing, Respondent had faxed a letter to the Board requesting that she be allowed to voluntarily surrender her license in lieu of further administrative proceedings. Given the late arrival of her letter, it was unable to be sent to the Board prior to its meeting.

JURISDICTION

1. The Arizona State Board of Appraisal ("Board") is the state agency authorized pursuant to A.R.S. § 32-3601 *et seq.*, and the rules promulgated thereunder, found in the Arizona Administrative Code ("A.A.C." or "rules") at R4-46-101 *et seq.*, to regulate and control the licensing and certification of real property appraisers in the State of Arizona.

✓

2. Respondent holds a certificate as a Licensed Residential Appraiser in the State of Arizona, License No. 10477 issued on February 24, 1998 pursuant to A.R.S. § 32-3612.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. § 32-3601 *et seq.*

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement.

3. Respondent has a right to a public hearing concerning this case. She further acknowledges that at such formal hearing she could present evidence and cross-examine witnesses. Respondent irrevocably waives her right to such a hearing.

4. Respondent irrevocably waives any right to rehearing or review or to any judicial review or any other appeal of this matter except any hearing for non-compliance with this Consent Agreement.

5. This Consent Agreement shall be subject to the approval of the Board and shall be effective only when accepted by the Board and signed by the Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the

Board was prejudiced by its review and discussion of this document or any records relating thereto.

6. The Consent Agreement, once approved by the Board and signed by the Respondent, shall constitute a public record which may be disseminated as a formal action of the Board.

FINDINGS OF FACT

On or about September 18, 2008, the Board's discussion and consideration of the matter revealed the following:

1. This matter deals with an appraisal conducted and report written by Respondent of a single family residence located at 26611 N. 150th Street, Scottsdale, AZ 85262 with an effective date of July 18, 2007.

2. At the conclusion of the Informal Hearing on September 18, 2008, the Board voted to send this matter to the Office of Administrative Hearings for the purpose of holding a formal hearing to consider the suspension or revocation of the Respondent's license.

3. In a letter dated September 16, 2008 to the Board (it was faxed to the Board on 9/17/08), the Respondent stated her desire to voluntarily surrender her Arizona license no. 10477 in lieu of further administrative proceedings as she stated she has discontinued her appraisal practice/employment and has relocated to California.

ORDER

Based upon the foregoing Findings of Fact, the parties agree to the following:

1 1. **Upon the effective date of this Consent Agreement, Respondent's**
2 **License as a Licensed Residential Appraiser shall be surrendered.** Once the
3 surrender is effectuated, Respondent **shall not issue a verbal or written appraisal,**
4 **appraisal review, or consulting assignment.** The effective date of this Consent
5 Agreement is the date the Consent Agreement is accepted by the Board as evidenced
6 by the signature of the Board's Executive Director

7 2. Respondent has read and understands this Consent Agreement as set
8 forth herein, and has had the opportunity to discuss this Consent Agreement with an
9 attorney or has waived the opportunity to discuss this Consent Agreement with an
10 attorney. Respondent voluntarily enters into this Consent Agreement for the purpose
11 of avoiding the expense and uncertainty of an administrative hearing.

12 3. Respondent understands that she has a right to a public administrative
13 hearing concerning each and every allegation set forth in the above-captioned matter,
14 at which administrative hearing she could present evidence and cross-examine
15 witnesses. By entering into this Consent Agreement, Respondent freely and
16 voluntarily relinquishes all rights to such an administrative hearing, as well as all
17 rights of rehearing, review, reconsideration, appeal, judicial review or any other
18 administrative and/or judicial action, concerning the matters set forth herein.
19 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

20 4. Respondent understands that this Consent Agreement, or any part
21 thereof, may be considered in any future disciplinary action against her or in any
22 future decision regarding re-licensure.

23 5. The parties agree that this Consent Agreement constitutes final
24 resolution of this disciplinary matter.

25 6. Time is of the essence with regard to this agreement.
26

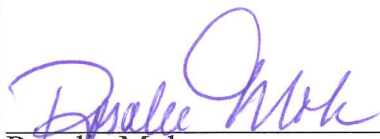
1 7. Respondent understands that this Consent Agreement does not
2 constitute a dismissal or resolution of other matters currently pending before the
3 Board, if any, and does not constitute any waiver, express or implied, of the Board's
4 statutory authority or jurisdiction regard any other pending or future investigation,
5 action or proceeding. Respondent also understands that acceptance of this Consent
6 Agreement does not preclude any other agency, subdivision or officer of this state
7 from instituting other civil or criminal proceedings with respect to the conduct that is
8 the subject of this Consent Agreement.

9 8. Respondent understands that the foregoing Consent Agreement shall not
10 become effective unless and until adopted by the Board of Appraisal and executed on
11 behalf of the Board. Any modification to this original document is ineffective and
12 void unless mutually approved by the parties in writing.

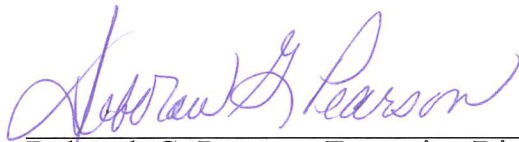
13 9. Respondent understands that this Consent Agreement is a public record
14 that may be publicly disseminated as a formal action of the Board.

15 10. Pursuant to the Board's Substantive Policy Statement #1, the Board
16 considers the violations in the above-referenced matter to constitute to a **Level V**
17 **Violation.**

18 DATED this 14th day of November, 2008.

19
20 

21 Rosalie Mohr
22 Respondent

23 

24 Deborah G. Pearson, Executive Director
25 Arizona Board of Appraisal

26 **ORIGINAL** of the foregoing filed
this 14th day of November, 2008 with:

Arizona Board of Appraisal
1400 W. Washington Street, Suite 360
Phoenix, AZ 85007

1 **COPY** of the foregoing mailed regular mail *and certified mail 7007 2560 0001 33588744*
this 14th day of November, 2008 to:

2 Rosalie Mohr
3 680 Sylvan, #6
Mountain View, CA 94041
4

5 **COPY** of the foregoing sent or delivered
this 14th day of November, 2008 to:

6 Jeanne M. Galvin
Assistant Attorney General
7 Arizona Attorney General's Office
1275 W. Washington, CIV/LES
8 Phoenix, AZ 85007
9

10 By: 

11 324072
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26